

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, MAY 18, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded PENZIEN to approve the amended agenda.

MOTION carried.

3. Approval of the May 4, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to approve the May 4, 2004 previous meeting minutes.

MOTION carried.

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AGENDA ITEMS:

4. Final Preliminary Plat; Twin Rivers Subdivision Phase I (156 Lots); Located on the east side of Romeo Plank Road approximately 1000 feet north of Hall Road; Vincent DiLorenzo, Petitioner. Permanent Parcel No.08-33-376-014.
(Tabled at the May 4, 2004 PC Meeting)

Tabled as requested by the petitioners written request dated May 17,2004 to the June 1, 2004 Planning Commission Meeting.

5. Tentative Preliminary Plat; Battaglia Subdivision; Located on the east side of North Avenue approximately 1,341.22 feet north of Hall Road; Dominic Battaglia, Petitioner. Permanent Parcel No. 08-36-303-024.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Bill Thompson of Lehner & Associates

Public Portion: None.

The Board held further discussion with Mr. Thompson, the Township Attorney and Community Planning Consultant regarding the intersection at North Avenue and Merlene Drive, the landscape easement dimension, and the landscape buffer adjacent to lots 18-23. After further discussion Mr. Thompson requested that the matter is tabled to address the issues on the plans.

MOTION by KOEHS seconded by AUSILIO to table the item at the petitioners request to the June 15, 2004 Planning Commission Meeting for review of the Tentative Preliminary Plat; Battaglia Subdivision. Permanent Parcel No. 08-36-303-024.

MOTION carried.

6. Final Preliminary Plat; Harmony Acres; Located on the south side of 24 Mile Road $\frac{3}{4}$ mile east of Romeo Plank Road; Joseph VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Bob Lynn of Urban Land Consultants

Public Portion: None.

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MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Harmony Acres; Located on the south side of 24 Mile Road $\frac{3}{4}$ mile east of Romeo Plank Road; Joseph VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-014. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in

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connection with this plat are true and accurate as they provide the basis for this recommendation.

8. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
9. That a bond in the amount of \$50,000.00 be posted assuring the development of the landscaping and pedestrian pathway improvements . (Bond posted April 23, 2004).
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.

MOTION carried.

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7. Special Land Use; Fire Station No. 4; Located on the south side of 25 Mile Road approximately 404 feet east of Garfield Road; Macomb Township, Petitioner. Permanent Parcel No. 08-08-101-042.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Macomb Township. Emmanuel Kollias of CDPA the Architects for this project.

Mr. Kollias reviewed the current plan involving a detention pond which is no longer needed. Mr. Kollias stated all the storm drainage will be provided as underground piping. The Members of the Board held further discussion.

Public Portion: Several residents expressed their concerns with the planned Fire Station.

MOTION by AUSILIO seconded by PENZIEN to approve the Special Land Use; Fire Station No. 4; Permanent Parcel No. 08-08-101-042. This motion is based upon the Planning Consultants recommendations as follows:

It is recommended that the special land use permit be approved since the provision of a fire station is a necessary community facility for this neighborhood. The proposal of the fire department meets the intent of the Macomb Township Master Plan. Since the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:

- 1. The proposed Special Land Use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
- 2. The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
- 3. The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**

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4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

MOTION carried.

8. Site Plan; Fire Station No. 4; Located on the south side of 25 Mile Road approximately 404 feet east of Garfield Road; Macomb Township, Petitioner. Permanent Parcel No. 08-08-101-042.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Petitioner Present: Macomb Township. Emmanuel Kollias of CDPA Architects.

Public Portion: Several residents expressed their concerns with the planned Fire Station.

MOTION by KRZEMINSKI seconded by PENZIEN to approve the Site Plan; Fire Station No. 4; Permanent Parcel No. 08-08-101-042 with the condition that the wall on the site plan be replaced with a berm. This motion is based upon the Planning Consultants recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.

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2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
9. That all signs be designated on the site plan and meet the Township requirements.
10. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
11. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek

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and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.

- 12. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
- 13. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
- 14. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.**
- 15. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 16. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 17. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 18. That all requirements of the Zoning Ordinance be met.**
- 19. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 20. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.**
- 21. That the site be developed with a landscape berm and no wall.**

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MOTION carried.

OLD BUSINESS:

9. Extension of Time; Site Plan; BP Gas Station; Section 31.

MOTION by KRZEMINSKI seconded by KOEHS to approve the extension for the BP Gas Station; Site Plan to expire July 15, 2005. Section 31.

MOTION carried.

10. Extension of Time; Site Plan; Glen Eden Cemetery; Section 4.

MOTION by AUSILIO seconded by PENZIEN to approve the extension of time for the Glen Eden Cemetery; Site Plan to expire August 19, 2005. Section 4.

MOTION carried.

NEW BUSINESS:

Clerk KOEHS introduced the newest member to the Township Clerks Department Ms. Sherrin Hood, Planning Supervisor.

PLANNING COMMISSION: None.

PLANNING CONSULTANTS COMMENTS: None.

11. Motion to receive and file all correspondence in connection with this agenda.

MOTION by KOEHS seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by PENZIEN seconded by AUSILIO to adjourn this meeting at 8:20 p.m.

MOTION carried.

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Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb